

Commission on Human Rights

Kentucky Human Rights Commission issues rulings on discrimination complaints

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The Kentucky Commission on Human Rights Board of Commissioners met Thursday, April 19, to rule on discrimination complaints on behalf of the people of the Commonwealth of Kentucky.

At its headquarters in Louisville, Ky., the board ruled to accept three conciliation agreements, dismiss 31 complaints with findings of no probable cause to believe discrimination occurred, accept four case withdrawals giving complainants the right to file private suits, and accept three withdrawals where parties reached private settlements once the complaints were filed with the commission.

Conciliation agreements are similar to settlements, but are negotiated by commission enforcement officers and commission attorneys during the course of complaint investigation. The following are summaries of the accepted three conciliations:

Bruce and Maria Boerner v. Hamilton Housing Rental LLC, in Shelbyville, Ky.: The Boerners alleged that Hamilton Housing Rental discriminated against them on the basis of national origin (Ms. Boerner is of Hispanic descent, she said.) in the area of housing, which would violate the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The couple claimed that Hamilton Housing falsely denied to them the availability of housing at one of its properties and made discriminatory statements to the couple. The company denied any violation of the law. The commission issued a probable cause finding stating there was sufficient evidence to believe discrimination occurred. Afterward, the parties agreed to resolve the matter with a conciliation agreement. Hamilton affirmed that it complies with civil rights laws including fair housing law and does not discriminate based on national origin or another protected class. The property company agreed to compensate \$700 to each complainant in exchange for resolution of the complaint. The company agreed to undergo fair housing training and commission compliance monitoring for three years.

Jeanie Burbridge v. Hilltop Homeowners Association, in Owensboro, Ky.: Jeannie Burbridge alleged that Hilltop Homeowners Association of Owensboro discriminated against her on the basis of her children's race (biracial) in the area of housing, which would violate the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She claimed the homeowners association denied her biracial sons access to the swimming pool and common areas of the property treating them

differently than non-biracial children of other residents. Hilltop denied any violation of the law and asserted it acted in accordance with its articles of incorporation. Before the commission investigation was complete, the parties agreed to resolve the matter with a conciliation agreement. Hilltop Homeowners Association agreed it complies with the Kentucky Civil Rights Act and the U.S. Fair Housing Act and does not discriminate against people based on race or any protected class. Hilltop agreed to compensate Burbridge with \$935 for resolution of the complaint.

Jonathan and Tiffany Ratliff v. Foxglove Management LLC, Becky Chenault, Allen Grant Sr., Molly Pingleton, Brook Means, and Randall Grant, in Richmond, Ky.: In two separate complaints, Jonathan and Tiffany Ratliff alleged that Foxglove Mgt. et al discriminated against them based on disability in the area of housing, which would violate the Kentucky Civil Rights Act and the U.S. Fair Housing Act. The couple claimed the respondents denied the Ratliffs housing after discovering that Tiffany Ratliff had a service dog in training and questioned whether the animal was a “true” service dog. Foxglove et al denied all violations of the law and asserted the complainants did not provide requested documentation to verify the dog is certified as a service animal and helps Ms. Ratliff’s disability. Before a determination was made by the commission, the parties agreed to resolve the matter with a conciliation agreement. The Ratliffs will have the service animal reside at the property with them. They have the option to renew their lease until they wish to move unless the respondents substantiate a reasonable cause not to renew a lease. The respondents will not be able to terminate the complainants’ lease because of any incident related to the service animal unless the animal poses a direct threat. The respondents removed the \$300 pet fee they charged to the Ratliffs and will not charge any other fees or deposits related to the animal.

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act including the state Fair Housing Act, and as an affiliate of federal government entities such as the U.S. Dept. of Housing and Urban Development, the commission enforces federal laws such as the U.S. Civil Rights Act and the U.S. Fair Housing Act.

The Kentucky Civil Rights Act prohibits discrimination in the areas of housing, employment, public accommodations, and financial transactions. Protected classes include race, color, religion, national origin, disability, sex, age (in employment), tobacco-smoking status (in employment), and familial status, which protects pregnant women and families with children under age 18 years old (in housing). It is illegal to retaliate against any person who has made a discrimination complaint to the Kentucky Commission on Human Rights.

For help with discrimination, contact the Kentucky Commission on Human Rights at 1.800.292.5566. For more information about civil rights, call or visit the website at www.kchr.ky.gov. From there, link to the commission Face Book and Twitter pages for news and announcements regarding protected classes.